IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1320 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MUKESHKUMAR MANGILAL - Applicant(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
THROUGH JAIL for Applicant(s) : 1,
PUBLIC PROSECUTOR for Respondent(s) : 1,
None for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 13/07/2007

ORAL JUDGMENT

Rule. Shri KT Dave, ld. APP waives service of rule on behalf of respondent State.

Present application has been filed by the convict Mukesh Mangilal through jail for releasing

him on parole for a period of 45 days, so that he can prefer an appeal before the Hon'ble Supreme Court against the judgment and order passed by this Court confirming the order of conviction.

It is to be noted that the convict belongs to Rajasthan and he was convicted for the offence punishable under the NDPS Act and it appears that if the convict is released on parole and as he belongs to Rajasthan, he might not be available subsequently. If the convict wants to prefer an appeal, he can do so while remaining in jail. Under the circumstances, the prayer of the convict to release him on parole in the facts and circumstances of the case cannot be granted. Hence, this petition is dismissed. Rule discharged.

(M.R. Shah, J.)

shekhar/-